

3.0 EROSION CONTROL

3.1 Policy. It is the policy of the Board of Managers to require erosion and sediment control practices when land is disturbed to prevent the siltation and sedimentation of streams, channels, lakes, wetlands, and groundwater recharge areas in the District.

3.2 Applicability.

3.2.1 Prior to any land disturbance meeting one of the following thresholds, a person shall submit an Erosion and Sediment Control Plan to the District, and secure a permit from the District approving the erosion control plan:

- (a) Grading, filling, or other land alteration activity that involves movement or stockpiling of fifty (50) cubic yards or more of earth or erodible material.
- (b) Surface disturbance or removal of vegetative cover on five thousand (5,000) square feet or more of land.
- (c) Any land disturbance with wetland impacts, grading within public waters, or grading within 40-feet of the bluff line.
- (d) Land disturbance of greater than 100-square feet requiring a variance from the Local Governing Unit's shoreland setback requirement for the property.

3.2.2 Land disturbance within a shore impact zone that does not meet a regulatory threshold established in Section 3.2.1 above, shall comply with the erosion and sediment control Best Management Practices set forth in Section 3.7 of these rules.

3.2.3 Agricultural practices are subject to section 3.6 of this rule.

3.3 Standards. The Erosion and Sediment Control Plan must meet the following standards:

3.3.1 The erosion and sediment control plan must be prepared by a qualified individual showing proposed methods of retaining waterborne sediments on site during the period of construction and showing how the site will be restored, covered, or revegetated after construction, including a timetable for completion;

3.3.2 The erosion and sediment control plan shall be consistent with the specifications of the MPCA manual "Protecting Water Quality in Urban Areas," as amended. The Plan shall also be consistent with the requirements and specifications of the NPDES/SDS Construction Stormwater General Permit, as amended;

3.3.3 The erosion control plan will specify measures for indefinite stabilization of exposed soil and stockpiled earth and erodible materials in the event that site work is suspended. These measures will be implemented within 7 days of a request by the District, unless, on the basis of permittee's written response and official inspection, the District finds that the site is active and actively managed under the erosion and sediment control plan. The District may set a later deadline for implementation if site conditions warrant.

3.4 Required Exhibits. The following items, prepared by an appropriate professional, shall accompany all erosion and sediment control permit applications submitted to the District pursuant to Rule 3.0:

- 3.4.1 Property lines and delineation of lands under applicant's ownership;
- 3.4.2 Existing and proposed site contour elevations at two-foot intervals, related to NGVD, 1929 datum;
- 3.4.3 Documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota Pollution Control Agency and provide the Storm Water Pollution Prevention Plan (SWPPP), if required, as it becomes available; and
- 3.4.4 An erosion and sediment control plan consistent with the standards of Sections 3.3 and 3.5.

3.5 Site Maintenance Practices.

- 3.5.1 All sediment control measures shall be installed, and the District shall be given three business days' notice in writing, before any land disturbing activity commences.
- 3.5.2 Sediment control measures shall not be removed until after the project is complete and the District determines that all disturbed areas have been fully stabilized. Sediment control measures shall be removed within 14 days thereafter.
- 3.5.3 Permanent wet detention basins used as temporary sedimentation basins during construction must be cleaned out after construction is complete and restored to their original design. Infiltration practices shall be protected from sedimentation and compaction during construction and shall remain offline until the contributing drainage area is stabilized.
- 3.5.4 The permittee is responsible at all times for the maintenance and proper operation of all erosion and sediment control facilities and practices. On any property on which land-disturbing activity has occurred pursuant to a permit issued under this Rule, the permittee shall, at a minimum, inspect, maintain, and repair all disturbed surfaces and all erosion and sediment control facilities or practices, and all soil stabilization measures, until land-disturbing activity has ceased: (1) every day construction activity is performed on the site, (2) after every rain event of one half inch (0.5") or more total precipitation, and (3) at least weekly when construction activity is not performed on the site. Thereafter, the permittee shall perform these responsibilities after every rain event of one half inch (0.5") or more total precipitation, and at least weekly, until vegetative cover is established.
- 3.5.5 All disturbed areas, exposed soils, and soil stockpiles must be stabilized. Stabilization must be initiated immediately to limit soil erosion on any portion of the site when construction activity has permanently ceased or will not resume for a period exceeding fourteen (14) calendar days. Stabilization must be completed no later than fourteen (14) calendar days after the construction activity in that portion of the site has ceased. Stabilization must be completed no later than

twenty-four (24) hours after the construction activity has ceased in that portion of the site within two hundred (200) lineal feet of and draining to a wetland, waterbody, a discernable surface drainage feature or a stormwater system inlet. If an area is not permanently stabilized, it shall be managed in accordance with subsection 3.5.4.

3.5.6 The weekly inspection requirement of subsection 3.5.4, above, may be reduced to monthly between November 15 and snowmelt if site management conforms to the following:

- (a) Exposed soils are stabilized with established vegetation, straw or mulch, matting, rock, or other approved product such as rolled erosion control product. Seeding is encouraged, but alone is not sufficient.
- (b) Temporary and permanent ponds and sediment traps are graded to capacity before spring snowmelt. This does not include infiltration/filtration facilities, which must be kept free of sediment until the site is fully stabilized.
- (c) Sediment barriers are properly installed perimeter downslope of all graded areas where offsite transport of sediment may occur without control, and around sensitive locations within the project site.
- (d) Slopes and grades are properly stabilized with approved methods. Rolled erosion control products must be used on slopes greater than 3:1 (H:V) and where erosion conditions dictate.
- (e) Stockpiled soils and other materials subject to erosion are protected by established vegetation, anchored straw or mulch, rolled erosion control product or other durable covering; a barrier prevents movement of eroded materials from the location.
- (f) All construction entrances are properly stabilized.
- (g) Snow management protects erosion and sediment control measures.

3.5.7 If a site is actively worked after November 15, all steep slope measures, downgradient and perimeter sediment controls, stockpile stabilization and sediment control measures, swales, channels, culvert outfalls and storm sewer inlets must be maintained in proper working condition at the end of each day construction activities occur.

3.6 Agricultural practices.

- a. The erosion control measures described in section 3.3 of this Rule are not required for land that is used for agricultural activity, provided that a grass or natural vegetation buffer zone extending sixteen (16) feet or the width of an applicable shore impact zone, whichever wider, is maintained along any waterbody or wetland and no fertilizer is used in the zone.

- b. The Board further encourages the use of BMPs (e.g., vegetative swales) in order to slow the flow of the runoff water and allow particulates to settle out and water to infiltrate into the soil prior to discharging to waterbodies and wetlands. BMPs can effectively remove small amounts of excess sediments, and associated nutrients and heavy metals.

3.7 Erosion and Sediment Control Best Management Practices

Any project that does not meet the regulatory thresholds established in Section 3.2.1 above, shall employ measures to prevent exposed soils from moving toward wetlands, surface waters, storm sewer inlets or public ways; seed and mulch or blanket exposed soils as soon as possible after work in that area is ceased; properly install and maintain erosion control fencing or other effective sedimentation barriers between areas of exposed soil and downgradient wetlands, surface waters and storm sewer inlets.